

Whither the Human in Human Rights?

On Misrecognition, Ontology, and Archives

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ABSTRACT Out of an interest in generating a dialogue at the intersections of archives, human rights, and ontology, this article explores the questions of being and agency through human rights archives. Committed to an interdisciplinary approach that locates an interrogation of the constitutively human at the heart of the formation of human rights archives, this article moreover foregrounds the categorical contingency of subjectivity even in ostensibly liberated and communal archival spaces. Focused on the excesses of the “human” or “inhuman” as a necessary disruption in the normative and delimited nature of definitions of being, it aims also to challenge presumptions of belonging and to highlight the visceral impact of violence on material and discursive conceptualizations of the self both within and outside human rights archives.

RÉSUMÉ Dans l'intention de générer un dialogue à l'intersection des archives, des droits de la personne et de l'ontologie, cet article explore les questions de l'être et de l'agentivité à travers les archives de droits de la personne. En plus d'être engagé dans une approche interdisciplinaire qui situe une remise en question du constitutivement humain au cœur de la formation des archives des droits de la personne, cet article place à au premier plan la contingence catégorique de la subjectivité, même dans des lieux d'archives apparemment libérés et communautaires. Ciblant les excès de « l'humain » ou de « l'inhumain » en tant que nécessaire perturbation de la nature balisée et normative des définitions de l'être, il vise également à contester les présomptions d'appartenance et à souligner l'impact viscéral de la violence sur les conceptualisations matérielles et discursives de l'être, tant à l'intérieur qu'à l'extérieur des archives de droits de la personne.

Introduction

One must become critical of “the human” to assert human rights. If the concept of the human produces a figure outside of itself, the nonhuman, the monstrous, the nonfigurable, then it would seem that the negotiation of humanity happens here, at the juncture where the human confronts the limits of its self-definition.

– Judith Butler, “Afterword: The Humanities in Human Rights: Critique, Language, Politics”¹

In recent years, a significant shift has occurred in archival studies literature on human rights and archives. Within this scholarship, a “governmental or inter-governmental framework for the control of records documenting abuse”² has been contested by more pluralist praxes that emphasize feminist and community archives models, which urge a greater focus on the rights of victims and survivors in records and their inclusion and participation in the stewardship and inscription of human rights archives.³ Rather than archives and archivists giving voice to communities, this work calls for the agentic assertion of these communities’ subjectivity and challenges historic interpellations of subversion, inhumanity, and marginalization. Concomitant with this (re)inscription of survivors of abuse and their communities into the structure and development of archives and records, through mechanisms such as cocreatorship and participatory archives,⁴

1 Judith Butler, “Afterword: The Humanities in Human Rights: Critique, Language, Politics,” *PMLA* 121, no. 5 (2006): 1658–61, 1660.

2 Michelle Caswell, “Toward a Survivor-Centered Approach to Records Documenting Human Rights Abuse: Lessons from Community Archives,” *Archival Science* 14, no. 3–4 (2014): 307–22, 307–8.

3 For the purposes of this article, I adhere to Caswell’s broad definition of human rights archives as “those collections of records that document violent and systematic abuse of power.” Michelle Caswell, “Defining Human Rights Archives: Introduction to the Special Double Issue on Archives and Human Rights,” *Archival Science* 14, no. 3–4 (2014): 207–13, 208. See also Michelle Caswell and Marika Cifor, “From Human Rights to Feminist Ethics: Radical Empathy in the Archives,” *Archivaria* 81 (Spring 2016); Anne J. Gilliland, “Moving Past: Probing the Agency and Affect of Recordkeeping in Individual and Community Lives in Post-Conflict Croatia,” *Archival Science* 14, no. 3–4 (2014): 249–74; Anne J. Gilliland and Sue McKemmish, “The Role of Participatory Archives in Furthering Human Rights, Reconciliation and Recovery,” *Atlanti: Review for Modern Archival Theory and Practice* 24 (2014); Anne J. Gilliland and Sue McKemmish, “Rights in Records as a Platform for Participative Archiving,” in *Archival Education and Research: Selected Papers from the 2014 AERI Conference*, ed. Richard J. Cox, Eleanor Mattern, and Alison Langmead (Sacramento, CA: Litwin Press, 2015), 355–85.

4 Livia Iacovino, “Rethinking Archival, Ethical and Legal Frameworks for Records of Indigenous Australian Communities: A Participant Relationship Model of Rights and Responsibilities,” *Archival Science* 10, no. 4 (2010): 353–72; Anne J. Gilliland, “Contemplating Co-Creator Rights in Archival Description,” *Knowledge Organization* 39, no. 5 (2012): 340–46; Sue McKemmish, Livia Iacovino, Eric Ketelaar, Melissa Castan, and Lynette Russell, “Resetting

has been the interstitial foregrounding of questions of ontology, representation, and “humanity.” These interventions, as philosopher Judith Butler argues in the epigraph to this introduction, trouble the definitional boundaries of the “human” and subsequent claims to human rights and challenge us to reconsider our fundamental understanding of how subjective agency and power are claimed and apportioned.⁵

This article asserts that a generative dialogue at this intersection of archives, ontology, and the recognition of rights-bearing subjects is critical.⁶ I argue that it is necessary not only as a means of understanding what or who is the human at the core of human rights – or what critical theorists Ian Balfour and Eduardo Cadava have identified as “what it means to have the right both to live and to be human”⁷ – but also of addressing how this question bears on what or who is constituted as the agentic locus of human rights archives. I am intent on expanding the boundaries of contemporary discourse on archives and the subject, power, and representation beyond attempted inscriptions of empowered

Relationships: Archives and Indigenous Human Rights in Australia,” *Archives and Manuscripts* 39, no. 1 (2011): 107; Gregory Rolan, “Agency in the Archive: A Model for Participatory Recordkeeping,” *Archival Science* 17, no. 3 (2017): 195–225; Isto Huvila, “Participatory Archive: Towards Decentralised Curation, Radical User Orientation, and Broader Contextualisation of Records Management,” *Archival Science* 8, no. 1 (2008): 15–36; and Isto Huvila, “The Unbearable Lightness of Participating? Revisiting the Discourses of ‘Participation’ in Archival Literature,” *Journal of Documentation* 71, no. 2 (2015): 358–86.

- 5 Enshrined in the *Universal Declaration of Human Rights of 1948* and subsequently expanded during the 1993 Vienna World Congress on Human Rights, human rights are defined as being inherent to all people despite colour, nationality, sex, religion, place of residence, and national or ethnic origin. They include a range of “civil and political rights such as the right to life, equality before the law and freedom of expression; economic, social and cultural rights, such as the rights to work, social security and education, or collective rights, such as the rights to development and self-determination.” United Nations Office of the High Commissioner on Human Rights, “What Are Human Rights?,” OHCHR, accessed July 2017, <https://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx>.
- 6 In *Being and Time*, Heidegger observed, “The concept of ‘being’ is . . . the most obscure of all.” Therefore, this article deploys a broad and pointedly philosophical definition of *ontology* as “the explicit, theoretical question of the being of beings.” Martin Heidegger, *Being and Time*, trans. Joan Stambaugh, revised Dennis J. Schmidt (Albany, NY: Suny Press, 2010), 3, 11. Even more generally, it defines ontology as a “theory about the nature of being or the kinds of things that have existence” (Merriam-Webster Online, s.v. “ontology,” accessed July 2017, <https://www.merriam-webster.com/dictionary/ontology>) in order to be inclusive in its purview, but moreover in recognition that a more rigorous discussion of *ontology* and *being*, as concepts with a rich discursive and intellectual history, is beyond the scope of this writing. See also Emmanuel Lévinas’s discussion of ontology in Emmanuel Lévinas, *Entre Nous: On Thinking-of-the-Other*, European Perspectives (New York: Columbia University Press, 1998).
- 7 Ian Balfour and Eduardo Cadava, “The Claims of Human Rights: An Introduction,” *South Atlantic Quarterly* 103, no. 2 (2004): 277–96, 277.

and pluralistic archival beings. Rather, I aim to answer these urgent concerns by reaching for a hybrid approach to the analysis and formation of human rights archives that challenges conventional notions of subjectivity and agency in the face of narrative construction and records creation. Asking ourselves the critical question of what or who constitutes the human in human rights affirms the multifarious and coconstitutive nature of “humanity.” Moreover, it disrupts notions of archival self and representation that are content to rest at the neoliberal boundaries of “diversity” and token tolerance, which perpetuate a poverty of representation among even the most altruistic gestures at naming and embodying difference through records and archival practices.

I put forward this opening salvo in order to advocate for contemplation of the material and discursive valence of human rights records and the challenges they pose to the ontological strictures and regimes of belonging that are experienced at the moments of crises, brutality, and repression they document. The intentional foreclosure of the subject and circumscription of the definition of *human* has historically functioned to justify the violent abuse of individuals and communities that are perceived to demonstrate qualities, actions, or behaviours identified as threatening to repressive regimes. When looking closely at the precarious lives of human rights victims before their abuse at the hands of authorities, we witness a persistent questioning of their humanity and a positing of an almost inhuman monstrosity intended to inspire fear and disassociation – and in turn, to engender apathy, if not enthusiasm, regarding violence directed at these individuals. This gesture of scapegoating an internal enemy negates a reckoning with the socio-political and economic inequities and the histories of brutality that are at the core of societies in crisis and conflict. Humanity as property and product of ontology is discarded at this juncture of catastrophe and pathos and is ascribed a rarity that excludes as it victimizes.

As this article will explore, the process of reckoning with the recognition of humanity, ontology, and agency within the discursive and material space of human rights archives nonetheless involves pitfalls that can prohibit the agentic expression and (self)representation of human rights victims, their families, and communities. That is, if repressive states are intent on the suffering and erasure of their targets – and the conflict-ridden histories of countries such as Guatemala, Cambodia, and the former Yugoslavia clearly point to this⁸ – human

8 Michelle Caswell, *Archiving the Unspeakable: Silence, Memory, and the Photographic Record in Cambodia*

rights archives, in reaching for the broader goal of international recognition and support, have the potential to occlude the lived specificity of individuals subjected to unspeakable acts of torture and brutality. For example, when the act of archival inscription takes place at the hands of a representative of a nongovernmental organization (NGO) – a mediation that can result in gaps and (mis) translations/interpretations – the redemptive and agentic potential of chronicling a human rights violation, as experienced by a singular psyche and body, can be compromised, and this can reassert a hierarchy of subjectivity that abrogates the empowerment of victims and reaffirms their subalternity.

The affirmation of more pluralist praxes for human rights archives has enabled the dissolution of the reproduction of these power differentials and has carved a space for the self-assertion of targeted populations. Nonetheless, these approaches leave questions of ontological reconfiguration and assertion untouched, and they continue to adhere to “‘liberal’ articulations of human rights”⁹ that have proven insufficient in combatting historically entrenched oppression and marginalization, which hinge on dehumanization and policing the boundaries of being and the human.

This article, in taking human rights archives as its object of inquiry and the human as its subject of speculation, urges a return to the fundamental question of being as a means of creating a territorial space for difference and *différance*¹⁰ in archives – a space that questions the stability of archival subjectivities and bars even the most incremental accommodation of those power relationships that reinscribe the archivist/archive as the progenitor of belonging and presence. The proverbial “birth to presence”¹¹ of the human rights(-bearing) subject thus rests on breaking down the barriers that structure the act of archival inscription and

(Madison, WI: University of Wisconsin Press, 2014); Kirsten Weld, *Paper Cadavers: The Archives of Dictatorship in Guatemala* (Durham, NC: Duke University Press, 2014); Hariz Halilovich, “Reclaiming Erased Lives: Archives, Records and Memories in Post-War Bosnia and the Bosnian Diaspora,” *Archival Science* 14, no. 3–4 (2014): 231–47.

- 9 Elizabeth S. Anker, *Fictions of Dignity: Embodying Human Rights in World Literature* (Ithaca, NY: Cornell University Press, 2012), 2.
- 10 In his chapter on *différance*, Derrida states, “*Différance* is the non-full, non-simple, structured and differentiating origin of differences”; “*différance*, a system that no longer tolerates the opposition of activity and passivity, nor that of cause and effect, or of indetermination and determination, etc., such that in designating consciousness as an effect or a determination, one continues . . . to operate according to the lexicon of that which one is de-limiting”; and finally, “*différance* instigates the subversion of every kingdom.” Jacques Derrida *Margins of Philosophy* (Chicago: University of Chicago Press, 1982), 11, 17, 22.
- 11 Jean-Luc Nancy, *The Birth to Presence* (Stanford, CA: Stanford University Press, 1993).

the means by which it achieves recognition as both historical materiality and a space of contestation through the power of archival praxis.

On Constitutive (In)Humans and Archives

It is a truth about the trace left within bodies by a history of violence.

– Didier Fassin, “The Trace: Violence, Truth, and the Politics of the Body”¹²

There is no dasein without difference. Difference is the sine qua non of existence.

– Illan rua Wall, *Human Rights and Constituent Power: Without Model or Warranty*¹³

In his arguments supporting the contemporary and historical importance of human rights – “We need (il faut) human rights”¹⁴ – philosopher Jacques Derrida states, “We must never prohibit the most radical questioning possible of all the concepts at work here: the humanity of man (the ‘proper of man,’ or of the human, which raises the whole question of nonhuman living beings).”¹⁵ While acknowledging the shortcomings and insufficiencies of “human rights,” Derrida nonetheless affirms the need for their use within an interrogative space that extends beyond the juridico-legal consideration of “proper” subjects bound by biased Occidental criteria. Furthermore, he encourages opening the landscape of rights to those marginalized populations that have historically fallen outside the definitional parameters of the human. Never completely abandoning an investment in the valence of human rights when confronted with the undeniability of war crimes and crimes against humanity, he pushes us to reckon with the exclusions at the heart of the universalizing ontologies whose genesis, at the end of the Second World War, were centred around the ideologies of Western and colonial powers. Indeed, it is “hospitality” toward these “nonhuman living

¹² Didier Fassin, “The Trace: Violence, Truth, and the Politics of the Body,” *Social Research: An International Quarterly* 78, no. 2 (2011): 281–98, 293.

¹³ Illan rua Wall, *Human Rights and Constituent Power: Without Model or Warranty* (New York: Routledge, 2013), 109.

¹⁴ Jacques Derrida, “Autoimmunity: Real and Symbolic Suicides – A Dialogue with Jacques Derrida,” in *Philosophy in a Time of Terror: Dialogues with Jürgen Habermas and Jacques Derrida* (Chicago: University of Chicago Press, 2003), 85–136, 132–33.

¹⁵ *Ibid.*

beings” that portends a more dynamic future for human rights tenets based on a continual questioning of the foundational properties of the human. I contend later in this article that human rights archives must be vigorously committed to this gesture.

Rhetoric scholar Pheng Cheah, who writes extensively on human rights, contends that “the soul or humanity is generated by inhuman techniques. As a product-effect of the inhuman, the human is always haunted and possessed by it.”¹⁶ Intimately tied to the biopolitical constitution of the “human,” the “inhuman” produces “effects” of humanity that “generate demands for more humanity.”¹⁷ Within this formulation, human rights are “not the determinate negation of the inhuman but its *différance*, the other of the inhuman ‘different and deferred in the economy of the same.’”¹⁸ Thus, rather than assert a dichotomous relationship between the human and the inhuman, which implies an oppositional violence within human rights that denies access to “rights” for groups or individuals who have historically been categorized (through legal, socio-political, or cultural measures) as outside the human, Cheah suggests that human rights are a product of the conterminous relationship of these concepts. Thus, the growth and development of rights are fuelled by a generative reflection on the status of the inhuman.

The pairing of the human/inhuman beyond this seemingly irreconcilable divide opens up a consciousness for hybrid subjectivities that not only pose multifaceted and ever-evolving portraits of the constitutively human but also offer the prospect that rights-bearing subjects reflect what we want to both deny and exalt about the human condition. Here, it is constructive to consider the astute observation of Alexander G. Weheliye, noted theorist of Black culture: that it is critical to be wary of the reinscription of the “humanist subject” of “Man,” who asserts a humanity that has not “been imagined and lived by those subjects excluded from this domain.”¹⁹ Rather than representing a “fall from

¹⁶ Pheng Cheah, *Inhuman Conditions: On Cosmopolitanism and Human Rights* (Cambridge, MA: Harvard University Press, 2006), 230–31.

¹⁷ Cheah, 238.

¹⁸ Cheah, 265–66.

¹⁹ Alexander G. Weheliye, *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human* (Durham, NC: Duke University Press, 2014), 8.

an ideal humanity,”²⁰ the inhuman is thus the impetus for thinking of multiple subjectivities. In lieu of a figure from which we must seek redemption and disassociation, the inhuman provides a more transgressive vehicle through which we can question the fundamental definition of the human and recognize a place for the other within the self.²¹

In her introduction to the proceedings of the Modern Language Association conference, “The Humanities in Human Rights: Critique, Language, Politics,” feminist and human rights theorist Domna C. Stanton writes, “At present, both human rights and the humanities . . . are struggling to articulate ways and means of speaking ‘with’ others, as agents in their own right, while at the same time trying to get beyond the limits of the local to make ‘generalizable’ statements and claims that are effective and nonimperial.”²² Notwithstanding a reach for the “generalizable,” one notes corollaries with contemporary archival literature on human rights, which is working toward an engagement with difference and which questions unequal power structures that have limited whose insight forms the historical record. Moreover, there is a consideration of *who* or *what* is agent or at the centre of these issues. When Stanton asks, “Who is the human in human rights?” as a means of opening the discussion on the critical and varied ways in which the authors included in these proceedings address this question, she also helps invoke the central question of this article, namely, “Who is the human in the human rights archive?” Just as the “humanities can help rethink the strategies and goals of the progressive, emancipatory practices that human rights at their best exemplify,”²³ so too does critical work on human rights, archives, and more precisely, the question of being provide a language for the more expansive articulation of the aims, definitions, and infrastructures of both human rights and archives.

Therefore, to think of human rights *archives* is to think of human *rights* to the extent that, by examining the discursive, material, and structural inequalities of

20 Cheah, *Inhuman Conditions*, 232.

21 Or as Lyotard asks, “What is this figure of the other in me, on which, it is said, my right to be treated as human rests?” Jean-François Lyotard, “The Other’s Rights,” trans. Chris Miller and Robert Smith, in *On Human Rights: The Oxford Amnesty Lectures 1993*, ed. Stephen Shute and Susan Hurley (New York: Basic Books, 1994), 135–47.

22 Domna C. Stanton, “Foreword: The Humanities in Human Rights: Critique, Language, Politics,” *PMLA* 121, no. 5 (2006): 1515–1661, 1520.

23 *Ibid.*, 1523.

the formal apparatus of the archive (appraisal, description, etc.), we begin an inquiry into the poverty of its representation. This issue has permeated critical discourse on archives for over 20 years,²⁴ but when discussing *human* rights archives, we approach the heart of subjective representation and presence through the question of being. Discussing human rights claims, Butler writes,

For there to be a claim, there must be a language, and there must be one or a plurality who can speak or bear rights. And no claim exists if there is no condition under which to *recognize* and *receive* a claim. Hence, we might consider the fields of power that determine and allocate speakability, the capacity to be regarded as bearing a right.²⁵

Revisiting archival description standards to make these more responsive to the needs of victims, as advocated by Wood et al.;²⁶ ensuring that victims have participatory inclusion and co-creator status in regard to the formation of human rights records; or steering away from a dichotomous and reductive distinction between “victim” and “perpetrator”²⁷ all look to redefine and extend the reach

24 Elisabeth Kaplan, “We Are What We Collect, We Collect What We Are: Archives and the Construction of Identity,” *American Archivist* 63, no. 1 (2000): 126–51; Terry Cook, “Evidence, Memory, Identity, and Community: Four Shifting Archival Paradigms,” *Archival Science* 13, no. 2–3 (2013): 95–120; Joan M. Schwartz and Terry Cook, “Archives, Records, and Power: The Making of Modern Memory,” *Archival Science* 2, no. 1–2 (March 1, 2002): 1–19, doi:10.1007/BF02435628. Archives as institutions and records as documents are generally seen by academic and other users, and by society generally, as passive resources to be exploited for various historical and cultural purposes. Historians since the mid-nineteenth century, in pursuing the new scientific history, needed an archive that was a neutral repositories of facts. Until very recently, archivists obliged by extolling their own professional myth of impartiality, neutrality, and objectivity. Yet archives are established by the powerful to protect or enhance their position in society. Through archives, the past is controlled. Certain stories are privileged and others marginalized. And archivists are an integral part of this story-telling. In the design of record-keeping systems, in the appraisal and selection of a tiny fragment of all possible records to enter the archive, in approaches to subsequent and ever-changing description and preservation of the archive, and in its patterns of communication and use, archivists continually reshape, reinterpret, and reinvent the archive. This represents enormous power over memory and identity, over the fundamental ways in which society seeks evidence of what its core values are and have been, where it has come from, and where it is going. Archives, then, are not passive storehouses of old stuff, but active sites where social power is negotiated, contested, confirmed. The power of archives, records, and archivists should no longer remain naturalized or denied, but opened to vital debate and transparent accountability.

25 Butler, “Afterword: The Humanities in Human Rights,” 1660.

26 Stacy Wood, Kathy Carbone, Marika Cifor, Anne Gilliland, and Ricardo Punzalan, “Mobilizing Records: Re-Framing Archival Description to Support Human Rights,” *Archival Science* 14, no. 3–4 (2014): 397–419.

27 Caswell, “Toward a Survivor-Centered Approach to Records Documenting Human Rights Abuse.”

of “speakability” to previously overlooked populations and designate alternative subjectivities that can take on the mantle of rights-bearing subjects. Rather than situating human rights archives at the fulcrum of power, where they grant or allocate speech or presence within records, these critical gestures intend to reshape the often intimate relationships at the heart of records formation, advocating instead for a renewed and ethical archival praxis for documenting human rights atrocities, which emerges organically from “cross-cutting conversations between archivists, scholars, activists, and affected individuals and communities.”²⁸

Analyzing the question of being propels this conversation even further by bringing to the forefront the core question of subjective construction and the fundamental basis for the recognition of rights and the humans that bear them. More pointedly, it steers the discourse about human rights archives away from Western and (neo)liberal conceptualizations of being and humanity, which continue to haunt archival discourse on the subject and which neglect to contend with the inability of many to claim the mantle of human rights as a result of the unequal distribution or outright absence of these rights among differentially interpellated subjects/objects. As Derrida points out, “Each advance in politicization obliges one to reconsider, and so to reinterpret the very foundations of law such as they had previously been calculated or delimited.”²⁹ In other words, as we make concerted challenges and advances in the agentic conceptualization and aims of archives more broadly, and human rights archives specifically, we must also be ready to consistently push the boundaries of praxis further by interrogating even the most liberatory assumptions and intentions regarding the constitution and empowerment of archival subjects and the capacity of the historically subaltern to arrive at the doorstep of agency, communal dialogue, and speakability.

Philosopher Michel Foucault argues that the archives’ “threshold of existence is established by the discontinuity that separates us from what we can no longer say, and from that which falls outside our discursive practice; it begins with the outside of our own language (*langage*); its locus is the gap between our discursive practices.”³⁰ Forcing us to contend with the “discontinuities of history,” and

28 Wood et al., “Mobilizing Records,” 401.

29 Jacques Derrida, “Force of Law: The ‘Mystical Foundation of Authority,’” in *Deconstruction and the Possibility of Justice*, ed. Drucilla Cornell, Michael Rosenfield and David G. Carlson (New York: Routledge, 1992), 28.

30 Michel Foucault, *The Archaeology of Knowledge: Translated from the French by A.M. Sheridan Smith* (New York:

marking difference in discourse and identity by breaking the “threads of transcendental teleologies,”³¹ archives map the enunciative field by setting the terms of description and ontology that trouble established notions of self. Located at the interstices of speech – of that which is spoken and cannot be articulated – this conceptualization of archives is particularly generative when considering human rights archives and their historic role as vehicles for the negated speech of victims and survivors. Insofar as past models of human rights archiving have replicated power imbalances that reinforce the subalternity and not the participatory agency of those testifying to violations, this emphasis on how archives undergird normative discursive regimes helps foreground the perspectives of, for example, victims and survivors.

Crucial to this equation is Foucault’s emphasis on archives’ focus on the other and deviation from questioning “man’s being or subjectivity.”³² This not only opens up a space for non-dominant or non-Occidental ontologies but also brings us back to a consideration of the constitutively “human” within archives in general, and human rights archives in particular. Indeed, if the agentic locus of archives is not centred on figures of Western or colonial dominance – on a humanist figure of Man conceived to the exclusion of subjugated peoples – this creates an opening for an examination of who the human in human rights and human rights archives has traditionally represented and a reconfiguration of a more plural, multivalent representation. By inviting the other to mark difference alongside and within a historically exclusionary realm, archives can significantly shift their content and subjective representation by reconstituting the agentic core of their activities and align themselves with an anti-foundational ethos that challenges the circumscription of such practices as collection development, appraisal, community engagement, and advancements in descriptive practices.

This “encounter with the face of the other”³³ compels an ethical reckoning with the definitional parameters of “humanity” and the responsibilities archives have in regard to questions of inclusion and representation. If the “human inversion of the in-itself and the for-itself (of ‘every man for himself’) into an

Pantheon Books, 1972), 130–31.

31 Ibid., 131.

32 Ibid., 131 (emphasis added).

33 Lévinas, *Entre Nous*, 202.

ethical self, into a priority of the for-the-other,”³⁴ inaugurates a relationship with difference and the other, it also is obliged to incorporate and demonstrate a regard and responsibility for the inclusion and representation of the other. In his translator’s introduction to Emmanuel Lévinas’ *Otherwise than Being*, philosopher Alphonso Lingis further reinforces this point when he states that, for Lévinas, “to acknowledge the imperative force of another is to put oneself in his place, not in order to appropriate one’s own objectivity, but in order to answer his need, to supply his want with one’s own substance.”³⁵

In (re)interrogating how archives describe or represent the subjects/objects of the narratives they construct, what comes to the fore is their relationship to these subjects/objects and the historical absence of the other, which has resulted from the power imbalances that imbue archives. Although human rights archives are at their core a venture invested in the fate of the other in records and society, positioning victims and survivors as narrative supplements to the international witnessing and reporting of human rights violations has reinforced power differentials that have maintained the discursive and material subalternity of these victims and survivors. Their lack of access to the tools of archival inscription (such as description and appraisal) and to the ultimate determination of the use, narration, and fate of their insights and testimonies has in turn denied a measure of agency to individuals whose visceral experiences merit the curative potential of cocreation, stewardship, and self-description.

According to cultural theorist and feminist filmmaker Trinh T. Minh-Ha, “Naming is part of the human rituals of incorporation, and the unnamed remains less human than the inhuman or sub-human.”³⁶ To interpellate or name as human is to hold human rights archives accountable for forming and assigning rights and subjectivity to those otherwise considered inhuman by perpetrators of violence. As Derrida further notes, insight into the “abyssal limit of the human: the inhuman or ahuman”³⁷ is the result of a self-naming process undertaken by the other at the interstices, or border crossings, of being and is contingent on an

34 Ibid.

35 Alphonso Lingis, translator’s introduction to *Otherwise than Being: Or, Beyond Essence*, by Emmanuel Lévinas, Martinus Nijhoff Philosophy Texts, vol. 3 (Hague: M. Nijhoff; Boston: Kluwer, 1981), xxviii.

36 Trinh T. Minh-Ha, *Woman, Native, Other: Writing Postcoloniality and Feminism* (Bloomington, IN: Indiana University Press, 1989).

37 Jacques Derrida, *The Animal That Therefore I Am* (New York: Fordham University Press, 2008), 12.

understanding of the categorical instability of the human and a contestation of the facile positing of a dichotomy between the legitimately human and its animalistic corollary – or, as he goes on to state, “something seen and not seeing,”³⁸ whose beastly presence effects no subjective force and is deprived of access to being and rights through violence and genocide.³⁹ Persistent interrogation of both the semantic and ontological premises upon which rights and recognition in human rights archives are based can therefore affirm the transgressive qualities of the other while altering the discursive and material terms through which humanity is negotiated and enunciated.

The ramification for archival praxis, insofar as it is necessary to extend beyond models and methodologies that presume access to agency, is that it requires distributed models of records formation that are no longer contingent on the force of either the international human rights establishment or the (neo)liberal affordances of past archival praxes to name and assert variable subjectivities. In addition to “naming,” it is the power to assert the very fabric of “being” that is at stake. This means no longer embodying the dichotomous categories of victim, survivor, and perpetrator and radically altering the manner in which archival subjects are empowered to inaugurate their subjectivity through the defined mechanisms of even archival praxes that are focused on creating autonomous spaces for those whose corporeal and psychic integrity has been violently betrayed. The path forward will be forged by scholars and practitioners alike who are committed to questioning the Occidental powers and affordances provided to archives and archivists, such as the power to name and centre, reconsidering the very systems that structure the conceptualization and inscription of frameworks and practices that confer subjectivity and presence in archives and history. To challenge the subalternity of the other, in archives and in their relegation to the outer regions of the human, requires actively working against the formulation of policies and practices that codify and define the ways archives name and recognize, which determine who is deemed human or inhuman.

38 Ibid., 14.

39 For a provocative reading of the interrelationship between race, animality, ontology, and the human, see Zakiyyah Iman Jackson, *Becoming Human: Matter and Meaning in an Antiblack World*, Vol. 53 (New York: New York University Press, 2020).

Exceeding the Bounds of Knowing, Inscription, and the Subject: Human Rights Archives and Transgression

If death is indeed the possibility of the impossible and therefore the possibility of appearing as such of the impossibility of appearing as such either, then man, or man as Dasein, never has a relation to death as such, but only to perishing, to demising, and to the death of the other, who is not the other.
– Jacques Derrida, *Aporias: Dying – Awaiting (One Another at) the “Limits of Truth”*⁴⁰

If Foucault is correct, then rights are no longer merely a resistance to state, they become crucial in performing, demonstrating and manifesting biopower as well. When one asserts one’s rights against a state’s incursion, one is at once resisting that state but also (re)performing the power of the state, and the subjectivity of its laws.

– Illan rua Wall, *Human Rights and Constituent Power: Without Model or Warranty*⁴¹

In their introduction to a special issue of the *South Atlantic Quarterly* titled “And Justice for All?: The Claims of Human Rights,” Belfour and Cadava state, “If one thinks of the ‘human’ not as some timeless, transcendental essence, but rather as something in a more or less constant process of change, in the mode of becoming rather than being, then the discourses of human rights would themselves not only *not* be negated . . . , but they could be considered to be responsive to actual human rights.”⁴² Incorporated into how human rights archives are (in)formed, this conception of the human connotes a more fluid archival body that abrogates strict classifications of the human and which is more agile in responding to the needs of multiple kinds of victims, survivors, and their families and communities. Evolving alongside and within the “gray zones”⁴³ of category and identity, human rights archives moreover compel changes in archival praxis and demand a reconsideration of provenance, narrative agency, and the ways the historical subject is enunciated or enunciates itself.

At the core of this conception of human rights archives is a shift – from

⁴⁰ Jacques Derrida, *Aporias: Mourir – s’attendre aux “limites de la vérité”* [Dying – Awaiting (One Another at) the “Limits of Truth”] (Stanford, CA: Stanford University Press, 1993), 76.

⁴¹ Illan rua Wall, *Human Rights and Constituent Power: Without Model or Warranty* (New York: Routledge, 2012), 120.

⁴² Belfour and Cadava, “The Claims of Human Rights,” 284.

⁴³ Caswell, “Toward a Survivor-Centered Approach to Records Documenting Human Rights Abuse,” 308.

thinking of archives as mediating devices that grant subjectivity itself to thinking of them as mutually constitutive terrains whose imbrication in the regimes of power/knowledge can forestall the siren song of standardization and foundational thinking – and a lack of accounting for difference. When describing the donation of feminist writer and theorist Hélène Cixous' papers to the Bibliothèque nationale de France, Derrida argues that it is “a dangerous gift because it compels the library to avow what it cannot comprehend, to guard what it cannot have, to house what it cannot master.”⁴⁴ By apprehending a human rights subject who is the site of a becoming,⁴⁵ human rights archives, in turn, remain expansive and open to change in their inscription of individuals and communities, even those that challenge the archives' coherence. Furthermore, human rights archives can account for the “irreducible Otherness” of the (in)human, of “the part of the Untameable of which the human being is,”⁴⁶ acknowledging that the human and its concomitant claim to rights are contingent entities that we are obligated to inscribe in records.

Social work and human rights theorist Teresa Macías posits that in a “Foucauldian conception of ethics,” “the subject . . . is not passively constituted, but rather actively constitutes herself in an *agentic* fashion by using representation to affirm a truth about who she is.”⁴⁷ This performative interpretation of ethics and its relationship to the subject furthermore deploys “representation in ways that disrupt power/knowledge relations that affect how the archived story comes into being and becomes known and how we come into being and render ourselves known.”⁴⁸ Contesting the reach for an authentic other within archives, who exists outside the confines of the violence of representation, Macías moreover affirms the power of the subjects of archives to shape and

44 Jacques Derrida, *Geneses, Genealogies, Genres and Genius*, trans. Beverley Bie Brahic (New York: Columbia University Press, 2006), xii.

45 For a compelling discussion of the concept of (un)becoming as it relates to archival bodies, see Jamie A. Lee, “Be/Longing in the Archival Body: Eros and the ‘Endearing’ Value of Material Lives,” *Archival Science* 16, no. 1 (2016): 33–51.

46 Jacques Rancière, “Who Is the Subject of the Rights of Man?,” *South Atlantic Quarterly* 103, no. 2 (2004): 297–310, 308.

47 Teresa Macías, “Between Violence and Its Representation: Ethics, Archival Research, and the Politics of Knowledge Production in the Telling of Torture Stories,” *Intersectionalities: A Global Journal of Social Work Analysis, Research, Policy, and Practice* 5, no. 1 (2016): 20–45, 37.

48 Ibid.

inscribe the contingent truths that narrate their being and becoming. Rather than circumvent a confrontation with archives as “sites where larger discourses, theories, values, histories, cultures, politics, and power . . . produce reality, truth, and subjectivity,”⁴⁹ Macías urges an engagement with the constitutive power of archives and their role in shaping not only personal narratives but also ontology and agency.

Consequently, if we are to think of human rights as “conditioned by the possibility of their transgression,”⁵⁰ we can also consider how the subjects of human rights archives create the conditions for an assertion of being that not only is agentic but also manifests archives that exceed the bounds of their own logic. Archival theorist Verne Harris asserts that the “archive of power, of rule, the omnipotence-other, is always already challenged from within and without.”⁵¹ Embedding the question of who or what is the human in human rights archives alongside the assertion of multivalent ontologies brings about a shift in archives that enables power to “leak” into the hands of the other of human rights,⁵² contesting the “power differentials” that allocate humanity and membership in the human through privileged criteria.⁵³

This engagement with more transformative human rights archives must exist in tandem with a continuous and equal interrogation of the fundamental premises behind the establishment of the human, the rights accorded to such an entity, and the entryway this provides to subjective belonging and power. Archival scholar Rodney G.S. Carter observed that “Those marginalized by the state are marginalized by the archive. Archival violence is found in the use of documents to enforce and naturalize the state’s power and in the active silencing of the disenfranchised. The records of the marginalized are denied access and entry into the archive as a result of their peripheral position in society.”⁵⁴ *Human rights* archives are intended to be hospitable spaces for the other that inscribe

49 Ibid., 31.

50 Gayatri Chakravorty Spivak, “Close Reading,” *PMLA* 121, no. 5 (2006): 1608–17, 1608.

51 Verne Harris, “Insisting Derrida: Cixous, Deconstruction, and the Work of Archive,” *Journal of Critical Library and Information Studies* 1, no. 2 (2017): 14.

52 Wendy M. Duff and Verne Harris, “Stories and Names: Archival Description as Narrating Records and Constructing Meanings,” *Archival Science* 2, no. 3–4 (2002): 263–85, 279.

53 Butler, “Afterword: The Humanities in Human Rights.”

54 Rodney G.S. Carter, “Of Things Said and Unsaid: Power, Archival Silences, and Power in Silence,” *Archivaria* 61

the embodied presence of past human rights violations into the record. But it bears reiteration that the constitution of human rights *archives* is never far from the contingencies of human *rights* – and from the uncertainty of establishing a subject defined by a set of moral and legal rights that are themselves recognized by a sovereign power or external agent from which the subject could also be seeking protection.

As feminist and political theorist Wendy Brown argues,

If rights secure the possibility of living without fear of express state coercion, they do not thereby decrease the overall power and reach of the state nor do they enhance the collective power of the citizenry to determine the contours and content of social, economic, and political justice. This is above all because power does not only come in sovereign or juridical form, and because rights are not just defenses against social and political power but are, as an aspect of governmentality, a crucial aspect of power's aperture. As such, they are not simply rules and defenses against power, but can themselves be tactics and vehicles of governance and domination.⁵⁵

In addition, as Cheah reminds us, because NGOs, for example, “invoke formal international human rights instruments to make their claims on behalf of humanity,”⁵⁶ these claims make use of statist conduits to contest the vicissitudes of nation-states, subsequently risking appropriation and reasserting the deterministic power of the state. Much like archives, whose representations of the marginalized can be used to repress and appropriate, even as they empower, human rights can be instrumentalized as mechanisms of state control and as means of suppressing valid contestation and advocacy for change. Indeed, the continuing central role of nation-states in setting the parameters and language of human rights claims (their vocabulary, gateways toward recognition, terms of restitution, etc.) binds the discursive and material expression of human rights to

(Spring 2006): 219.

⁵⁵ Wendy Brown, “‘The Most We Can Hope For ...’: Human Rights and the Politics of Fatalism,” *The South Atlantic Quarterly* 103, no. 2 (2004): 451–63, 459.

⁵⁶ Pheng Cheah, “Posit(ion)ing Human Rights in the Current Global Conjuncture,” *Public Culture* 9, no. 2 (1997): 233–66, 254.

a circular logic wherein the nation-state or its security agencies are often both the cause and the salve for human rights violations.⁵⁷

By virtue of their place in history, i.e., as products of the end of the Second World War and the atrocities committed primarily against Jewish communities throughout Europe, the tenets of the *Universal Declaration of Human Rights* were based upon limited notions of Man and the human that left little room for non-whites, women, or anyone outside an Occidental logic. Within archival literature, the focus on community archives principles, as exemplified by the work of Caswell, Gilliland, McKemmish, and Wood et al., asserts a space within archives for human rights that aims to circumvent this ostensibly exclusionary legal model. Nonetheless, there is a persistent investment in the saliency of the categories of the “human” and “rights” that belies an unexamined belief both in the integrity and stability of these categories and in the ability to attain them, and that does not thoroughly consider the power-inflected contingency of the category of the human. It is therefore notable that the direct questioning of ontology, or what Butler terms “an insurrection at the level of ontology,”⁵⁸ and the discursive exigencies of “human rights” remain less than explicit within archival writings on human rights, including the literature on models meant to highlight communal empowerment; there is a failure to propose more transformative praxes that question how easy it is for those who have been historically and violently mistreated by Occidental logics to inhabit or embody the engines of rights, recognition, and agency defined by these logics.

Thus, to further extend the reach of critical work on human rights archives, it is key not only to seek alternative avenues for expressing narratives and asserting subjectivity but moreover to question the foundational precepts of the role and function of human rights and the discursive valence of its terms of interpellation. Derrida writes that “Inscribing the possibility of the reference to the other” also implies a “radical alterity,” a “heterogeneity,” a “differance” that “disjoins *a priori*” in the moment of the enunciation of presence.⁵⁹ To disrupt the categorical limits of the human and rights within human rights archives, and to engender

57 See also Didier Fassin, *Humanitarian Reason: A Moral History of the Present* (Berkeley, CA: University of California Press, 2012); and Fassin, “The Trace: Violence, Truth, and the Politics of the Body.”

58 Judith Butler, *Precarious Life: The Powers of Mourning and Violence* (London: Verso, 2006), 33.

59 Jacques Derrida, *Specters of Marx: The State of the Debt, the Work of Mourning, and the New International* (New York: Routledge, 1994), 75.

the conditions for the assertion of the inhuman or monstrous other as human, is to make changes in praxis and engage divergent ways of thinking about archives and subjectivity. What this translates into is what Derrida refers to as the possibilities for alterity and the inscription of anti-foundational thinking that brings into question even such a priori archival tenets as respect des fonds, provenance, and original order. Indeed, to what extent is the sovereignty of these elemental concepts halting progress in challenging the reassertion of conservative archival precepts? Can we disregard the very structural mechanisms that lend logic and coherence to the archival endeavour, no matter its context, predilections, or emancipatory intentions?

The heterogeneity of human rights archives, particularly when framed by archival scholar Anne Gilliland's expansive proposal that these archives permeate all sectors of records inscription and practice,⁶⁰ contests an adherence to pursuing a codified praxis that delineates standard norms of description, organization, structure, and content. Certainly, the goal should be to strive for praxes that undermine logics of coherency that are intent on foreclosing differential approaches to representation and embodiment in archives and that repeatedly neglect to interrogate the continued reliance, in archival scholarship and practice, on (neo)liberal presuppositions of structure and belonging. Furthermore, despite Cheah's earlier admonition that the reporting and documenting work of human rights NGOs is reliant on the foreclosures of an international human rights framework, the often-improvisatory praxes of such organizations (which strive to comply with archival standards at the same time that lack of resources and "professional" insight limit their capabilities) nonetheless can also offer alternative archival teleologies. As Macías maintains, "archives constitute fields of 'representability' that embody failures of representation,"⁶¹ which can serve as departure points for renewed efforts at defining not only modes and figures of representation but also what it means to have an archive. This "incessant movement of recontextualization,"⁶² as Harris asserts vis-à-vis Derrida, destabilizes archives not only bifurcating them, as he also suggests, but also by compelling them to diversify and distance themselves from tradition.

60 Cited in Caswell, "Defining Human Rights Archives," 209.

61 Macías, "Between Violence and Its Representation," 28.

62 Harris, "Insistering Derrida," 13.

In critiquing efforts to standardize archival practices early in the 21st century, archival theorist Brien Brothman noted that the profession had been “instituting anew a set of authoritative social ordinances intended to demarcate the realms of the knowable and the unknowable.”⁶³ Intent on inaugurating a “scientific rigour,” this engendering of “authoritative language, concepts, methods, models, and paradigms”⁶⁴ sought to solidify notions of the record (“recordness”), evidence, and archival truth that were logocentric and whose structuralist parameters belied both a discursive and a material containment and foreclosure. Contrary to Brothman’s contention that there was a general agreement among archivists that archival practice was “historically contingent,” this move toward codifying praxis, in the face of incipient poststructuralist incursions, was antithetical to the “incoherent” methodological and epistemological positioning of archives.⁶⁵ Implicated in this structuralist search for definition is the subsequent deprivation of representation and meaning that significantly influences the expression of diverse ontological truths. Indeed, Brothman’s work to expose both the varied roots of archival praxis and its allegiance to critical inquiry was a reminder of the seminal capacity of archives to serve as sites of contestation that could interrogate their positioning in the power/knowledge matrix.

When contemplating human rights archives within this framework, it is useful to take into account Butler’s proposition that “there can be no rights without media.”⁶⁶ Although this statement refers directly to television, radio, photography, etc., and was written in the shadow of the revelation of torture photographs from Abu Ghraib, it is productive to broaden this definition of *media* to include archives as transitional and representative spaces that also engender and give meaning to “human rights.” Providing the terrain upon which the “evidentiary basis” for claims of violations can be made, human rights archives also create the “condition of possibility of a human rights claim”⁶⁷ through the methods of inscription and enunciation they provide, delineating the line

63 Brien Brothman, “Afterglow: Conceptions of Record and Evidence in Archival Discourse,” *Archival Science* 2, no. 3–4 (2002): 311–42, 314.

64 *Ibid.*

65 *Ibid.*, 319–20.

66 Butler, “Afterword: The Humanities in Human Rights,” 1660.

67 *Ibid.*

between what is and is not known about a violation. This notwithstanding, according to Brothman, the instability of the evidentiary – the extent to which it is mistakenly seen to be overly invested in its conveyance of truth – belies the aforementioned failure of representability: human rights archives can present only the simulacra of the empirical materiality of a violation, demonstrating an unrepresentability from which an interstice is formed between the violated and the violation. Inimical to this tension is a reckoning with what philosopher and literary theorist Jean-François Lyotard, citing political theorist Edmund Burke, defines as the “horror,” or “the state of mind of a person whose participation in speech is threatened,”⁶⁸ wherein this person’s recourse to a claim as a human whose rights have been violated is foreclosed due to this failure of expression. The circumstances of the horror exceed the capacity of archives to serve as interlocutors of abjection caused by violence and render the object of brutality incapable of fully embodying their precarity through the process of subjective inscription, (re)inaugurating their suffering as a condition of the human.

Therefore, we may ask ourselves about the place of discourse and archives in the process of (de)humanization and their potential ambivalence in the face of the horror and violence that are the *terre natale* of human rights violations. Toward the end of her afterword to “The Humanities in Human Rights: Critique, Language, Politics,” Butler states, “Human rights discourse can flatten the affect of horror, render war neutral in order to prosecute some of war’s effects without ever contesting justice. On the other hand, human rights discourse can elicit the indignation and repugnance that allow a human rights claim to be heard and known and to prompt an intervention.”⁶⁹ Positing a perhaps inescapable dichotomy, Butler expresses the concomitant uncertainty and hopefulness that accompany the purpose(s) and effectiveness of human rights not only when confronting their genealogy but, moreover, considering the inadequacies they encounter in a multifarious and neoliberal world. The failure of human rights at Abu Ghraib and the tragic irony that the abuse was perpetrated by the United States (tragic insofar as the US’s ideological commitments are constantly betrayed by its actions) highlighted the selective apportioning of humanity and human rights and the continued interpellation of an inhuman or dehumanized

68 Lyotard, “The Other’s Rights,” 145.

69 Butler, “Afterword: The Humanities in Human Rights,” 1661.

subject/object who, through added discursive demonization, is rendered punishable in complete disregard for the international human rights tenets meant to protect them.

Similarly, we may desire to simultaneously critique and salvage the potential of human rights archives to achieve a methodological and representative plurality that can more adequately serve victims, survivors, families, and all who have a stake in the restitution of the humanity, subjective belonging, and agency of individuals who are severely disempowered by the brutality directed against them. The extent to which either archives or the discursive valence of “human rights” can effectively disrupt the regimes of knowledge and power surrounding the material abuse of people is tempered by a continued inhospitality toward the other that, rather than providing recognition or avenues for inscription, maintains unstable notions of the human that can be configured to engender an inhuman corollary.

Butler extends her analysis further by proposing that it is perhaps the failure or absence of discourse about a particular individual or group, instead of a dehumanization that “emerges at the limits of discursive life,”⁷⁰ that inaugurates violence toward others. In other words, if a person or population is considered unworthy of ontological recognition, they are rendered not living or not human and therefore not capable of being injured. In turn, human rights archives are confined by their own discursive adherence to a desubjectifying norm that excludes those absent from recognition. Nonetheless, I maintain that it is this very penchant for structural and definitional erasure that provides the necessary breach and opening for the work of interrogating human rights archives and praxes. In fact, it is at the moment of material and ontological failure that we are presented with the opportunity to reconfigure and redefine what it means to be human and to ascribe a sense of belonging to history and archival representation. This is the precise moment at which we can assert *différance* and an insurrection of being and practice.

70 Butler, *Precarious Life*, 36.

Conclusion

How does one recuperate lives entangled with and impossible to differentiate from the terrible utterances that condemned them to death, the account books that identified them as units of value, the invoices that claimed them as property, and the banal chronicles that stripped them of human features?

– Saidiya Hartman, “Venus in Two Acts”⁷¹

Contesting the constitutive subjects of archives has increased within a critical body of work in archival studies. This article nonetheless maintains that there is still an assumption of subjective stability in much of contemporary archival theory, which continues to be invested in an archival subject that can be grasped, embodied, and made agentic.⁷² Insofar as recent literature on human rights archives breaks with legacies of positivism and reaches beyond the boundaries of statist formations to constitute counter-subjectivities framed by feminist theories and the principles of community archives, there is still room to interrogate the fundamental premises of ontological understanding and of how they undergird the centring of a newly legitimized and vocal subject.

A deeper dive into our foundational understanding of being, which is frequently located at the margins of archival inquiry, can serve to further undermine the limits placed on the constitution of multiple subjectivities by Occidental precepts. Human rights archives, in their focus on the question of human recognition and reconstitution, provide a robust vehicle for exploring these issues at the level of archival praxis. In lieu of parsing the insertion of identities into a prescribed ontological structure – an insertion which depends, for the embodiment and expression of the multivalent self, on the hospitality of this structure – human rights archives help us reconsider the categorical stability of human belonging and identify what are permitted as legitimate expressions of being. Notwithstanding efforts to empower diverse groups through archives, the inclusion of the vilified *inhuman* within a human rights archive brings into

71 Saidiya Hartman, “Venus in Two Acts,” *Small Axe* 12, no. 2 (2008): 1–14, 3.

72 Nevertheless, groundbreaking work from several authors in archival studies in the past few years has begun to theorize the subject in a more multifaceted and boundary-pushing fashion. See Tonia Sutherland, “Archival Amnesty: In Search of Black American Transitional and Restorative Justice,” *Journal of Critical Library and Information Studies* 1, no. 2 (2017); Marika Cifor, “Stains and Remains: Liveliness, Materiality, and the Archival Lives of Queer Bodies,” *Australian Feminist Studies* 32, no. 91–92 (2017): 5–21; Lee, “Be/Longing in the Archival Body.”

crisis who is considered worthy of recognition as a subject, who merits rights, embodiment, agency, and power.

As noted throughout this article, humanity/the human has been and continues to be a selective space within which membership is conditioned by prejudice, marginalization, and dispossession. Wrestling the discourse of being and ontology from its Occidental roots, archival theorists and practitioners can in turn constitute a more interrogative praxis whose own presumptions of subjectivity and the other are continuously questioned and kept from reinforcing exclusionary subject positions. As English and Black studies scholar Christina Sharpe reminds us, our investment in the discourse on the category of the human, as the product of a reductive focus on (Western) Man, should not reproduce the languages and material conditions that reinforce inequality. Instead, we should concentrate on how marginalized peoples resist the terror that is visited upon their lives.⁷³ In combatting the horror and violence of human rights violations, archives can in turn resist the compulsion to induce the fear of a threatening otherness, which troubles presumptions of belonging, archival constitution, and a legacy of codified and homogenous identities. Rather than policing the barriers of the self, human rights archives can help open a breach in the flow of discourse and practice by providing alternative teleological ends and subsequently engaging more fundamentally with who we are as plural, *human* subjects.

73 Christina Sharpe, *In the Wake: On Blackness and Being* (Durham, NC: Duke University Press, 2016), 116.

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